

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

BCBSM, INC., d/b/a BLUE CROSS and
BLUE SHIELD OF MINNESOTA, on
behalf of itself and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,
PHOENIXUS AG, MARTIN SHKRELI,
and KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

**DECLARATION OF BENJAMIN STEINBERG IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT;
CERTIFICATION OF SETTLEMENT CLASS; APPROVAL OF NOTICE PLAN; APPROVAL
OF PLAN OF ALLOCATION; AND ENTRY OF SETTLEMENT APPROVAL SCHEDULE
AND RELATED PROCEDURES**

I, Benjamin Steinberg, declare as follows:

1. I am a partner at Robins Kaplan LLP and serve as counsel for Plaintiff BCBSM, Inc., (“Plaintiff”) in this action. I submit this declaration in support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement; Certification of Settlement Class; Approval of Notice Plan; Approval of Plan of Allocation; and Entry of Settlement Approval Schedule and Related Procedures. I have personal knowledge of the facts stated herein and, if called upon to do so, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the Settlement Agreement dated January 28, 2022 between Plaintiff and Defendants Vyera Pharmaceuticals, LLC, Phoenixus AG, Martin Shkreli, and Kevin Mulleady.

3. Attached hereto as Exhibit B is a true and correct copy of a firm résumé for Robins Kaplan LLP. The biographies of Kellie Lerner and Benjamin Steinberg, the lawyers from Robins Kaplan LLP who have been leading this case’s prosecution, are included on pages 14-19.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January, 2022 in Steamboat Springs, Colorado.

By: /s/Benjamin Steinberg
Benjamin Steinberg

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Southern District of New York using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

/s/ Benjamin Steinberg
Benjamin Steinberg